



American Mobile Telecommunications Association

**The
Business
Communications
Industry
Advocate**

PRESIDENT & CEO

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December 3, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

via Hand Delivery

Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

**Re: Notice of oral and written ex parte presentation
CC Docket No. 95-54 -- CMRS Interconnection and Resale Obligations
CC Docket No. 95-116 -- Wireless Number Portability
MD Docket No. 96-186 -- 1997 Regulatory Fees
CC Docket No. 97-213 -- CALEA Obligations
CC Docket No. 96-45 -- Universal Service**

Dear Secretary Salas:

On December 3, 1997, the American Mobile Telecommunications Association, Inc. (AMTA) made an oral and written *ex parte* presentation concerning the above-referenced proceedings in separate meetings with Commissioner Gloria Tristani and Legal Adviser Karen Gulick; and with Deputy General Counsel David Solomon, Wireless Telecommunications Bureau Deputy Chief Rosalind Allen and Linda Morrison of the General Counsel's office.

Both meetings consisted of a general discussion concerning the cumulative effect of current or potential regulations on small businesses offering business-oriented wireless services. A short written list of discussion points describing the business and industrial wireless industry, and urging relief from unduly burdensome regulations, was presented at both meetings, along with a copy of RCR's "Top 20 SMRs."

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, an original

Magalie Roman Salas, Secretary
December 3, 1997
page 2

and one copy of this Notice have been submitted, with two copies of the written presentation for each proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jill M. Lyon", with a long horizontal flourish extending to the right.

Jill M. Lyon
Vice President for Regulatory Relations

cc: Hon. Gloria Tristani
Karen Gulick, Esq.
David H. Solomon, Dep. Gen. Counsel
Linda Morrison, Esq.
Rosalind Allen, Dep. Bureau Chief

Enclosures

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DISCUSSION POINTS

- The FCC has been effective in promoting wired and wireless local loop competition, as evidenced by the successful introduction of telephonic services offered by ILECs, CLECs, PCS, cellular, ESMR and others.
- Congress attempted to support this policy by developing a CMRS/PMRS mobile wireless delineation in 1993, and by creating a reciprocal rights/obligations framework for all telecommunications carriers in 1996.
- These FCC and Congressional efforts now need to be fine-tuned to preserve and promote comparably pro-competitive opportunities in the traditional SMR marketplace, one characterized by small businesses providing cost-effective, spectrum-efficient, primarily dispatch service to large and small businesses and local government entities.
- Traditional SMR systems do not have sufficient spectrum to compete with broadband wireless services. They are not targeting the wireless local loop customer, or even the individual or mobile professional who wants ubiquitous wireless telephone capability.
- The companies that rely on traditional SMR systems have made a business decision that they need primarily dispatch service for communications among employees, not sophisticated offerings, such as PCS, which are more complicated and costly than their requirements will support.
- FCC rules relating to obligations including number portability, roaming, universal service and CALEA, as well as high regulatory fees that assume full system interconnection, currently or potentially fail to distinguish between these systems and spectrum-rich wireless telephonic CMRS services such as cellular and PCS. They thereby impose operational, technical and financial requirements that traditional SMR systems are incapable of meeting. The result is contrary to the objective of creating a level, pro-competitive regulatory environment.
- A more flexible and realistic regulatory classification process will ensure that genuinely competitive services are subject to comparable rules. ***AMTA applauds the FCC's recent decision to revise its E911 rules; its amended definition of covered SMR, PCS and cellular systems makes such an appropriate delineation among different classes of service that may well be useful in approaching other obligations.***

- The public deserves a balanced spectrum management policy that allows users to select between consumer-oriented telephone services such as PCS, and those focused on meeting the primarily dispatch communications needs of the business community, at a reasonable cost. The needs of consumers have been satisfied with PCS and other wireless allocations. The business and industrial user community must also be addressed by ensuring the availability of spectrum capacity suitable for third-party systems designed to meet their communications requirements.

Thus, AMTA urges the FCC to recognize the needs of business and industrial wireless, through:

- 1) eliminating or easing unreasonable regulatory burdens that are financially or administratively onerous, or technically unfeasible, for small business wireless carriers;
- 2) creating new spectrum opportunities for business and industrial wireless services, achievable by small business owners.

RCR TOP 20 SMRs

Editor's Note: The RCR research and editorial staffs have compiled this list of the 20 largest specialized mobile radio operators based on survey responses.

Racom Corp., Chadmoore Wireless Group Inc. and B&C Communications Inc. declined to provide information.

Nextel Communications Inc. announced in October its plans to purchase Pittencrieff Communications Inc. for \$159 million. The transaction is expected to be completed this year.

The interests in California Trunking/S&S Communications' SMR business have either been sold or the management has been transferred to others.

RCR Top 20 is the property of RCR Publications Inc. and should not be construed as an endorsement for the companies listed. Information concerning company ranking cannot be reprinted without written permission from the company. **Lynnette Luna, Reporter, ©1997, RCR Publications Inc.**

RANK	Company Address Phone	Chief Executive Chief Marketer Chief Engineer	Number of Subscriber Units	Top Markets	Number of Channels	Equipment Manufacturer	# of Interconnected Units # of Interconnected Systems	Average Monthly Rate for a Dispatch/ Two-Way Unit
1	Nextel Communications Inc. 1505 Farm Credit Dr. McLean, Va. 22102 (703) 394-3000	Dan Akerson Tom Kelly Barry West	1.1 million	Nationwide	N/A	Motorola	300,000 3,700	N/A
2	Pittencrieff Communications Inc. 1 Village Drive, Ste. 500 Abilene, Texas, 79606 (915) 690-5800	Warren D. Harkins John Kelly Reggie Holland	92,000	Houston and El Paso, Texas, Albuquerque, Phoenix	4,500	E.F. Johnson, Kenwood, Motorola	36,800 417	\$15
3	Industrial Communications & Electronics Inc. 100 Marion Drive Kingston, Mass. 02364 (617) 585-9100	David J. Fenton William J. Day N/A	65,000	New England	N/A	Motorola	11,000 160	N/A
4	Crescent Communications Inc. 699 E. South Temple #310 Salt Lake City, Utah 84102 (801) 363-0811	M. Jay Nilson Bruce L. Lybbert Bill R. Neville	33,603	Salt Lake City, Las Vegas	400	Motorola	1,009 23	\$18
5	Southern Communications Inc. 64 Perimeter Center East Atlanta, Ga. 30346 (770) 821-4800	Robert G. Dawson Julie A. Toland N/A	30,000	Georgia, Alabama	N/A	Motorola	N/A	N/A
6	Fisher Communications Inc. 14530 S. Commercial St. Blythe, Calif. 92225 (619) 922-4150	Dana B. Fisher Jr. Rodney Grim Bill Harakidas	18,000	Southern California, Arizona, Nevada	332	Motorola	1,700 22	\$17.50
7	21st Century Wireless Group Inc. 406 Gateway Blvd. Burnsville, Minn. 55337 (612) 890-8800	Rodney H. Hurt N/A	12,000	Minnesota	175	E.F. Johnson Motorola	2,800	N/A
8	Lagorio Communications 2771 E. French Camp Rd. Manteca, Calif. 95336 (209) 982-1993	Kathleen Lagorio Janssen Steven K. Finch Gregory Glenn	12,000	California, Nevada	150	Motorola	4,000 10	\$13
9	Constant Communication 705 N. Lamar Austin, Texas 78703 (512) 495-1333	Roy Butler Ed Butler John Murphy	9,850	Austin, Round Rock, Pflugerville, Temple, Killeen, Cedar Rapids, Iowa, Lakeland, Fla.	116	E.F. Johnson Motorola	1,460 18	\$13
			7,000	Nevada	310	E.F. Johnson	1,500	\$11

6	14530 S. Commercial St. Blythe, Calif. 92225 (619) 922-4150	Monney Grimm Bill Harakidas		Nevada				
7	21st Century Wireless Group Inc. 406 Gateway Blvd. Burnsville, Minn. 55337 (612) 890-8800	Rodney H. Huff N/A N/A	14,000	Minneapolis/St. Paul Portland, Ore. Memphis, Tenn. Northampton, Mass.	375	E.F. Johnson Motorola	2,800 55	\$10
8	Lagorio Communications 2771 E. French Camp Rd. Manteca, Calif. 95336 (209) 982-1993	Kathleen Lagorio Janssen Steven K. Finch Gregory Glenn	12,000	California, Nevada	150	Motorola	4,000 10	\$13
9	Constant Communication 705 N. Lamar Austin, Texas 78703 (512) 495-1333	Roy Butler Ed Butler John Martin	8,850	Austin, Round Rock Portland, Ore.	116	E.F. Johnson Motorola	1,460 55	\$15
10	Advanced Communications Inc. 593 Overmyer Rd. Sparks, Nevada 89431 (702) 353-3600	Jim Boyer Bill Ashby Steve Sixberry	7,200	Nevada, northern California	310	E.F. Johnson	1,500 25	\$11
11	Cellular Design Corp. P.O. Box 591 Deer Park, N.Y. 11729 (516) 242-5900	Sam Klein and Steve Auerbach N/A N/A	7,000	New York City New Jersey Cincinnati	130	E.F. Johnson	0 0	\$20
12	Triangle Communications Inc. 940 West Main St. New Holland, Penn. 17557 (717) 656-2211	Robert Landis Roy Smoker Gary Hikes	4,100	Pennsylvania	52	E.F. Johnson	100 6	\$14.95
13	Applied Technology Group Inc. 4440 Easton Drive Bakersfield, Calif. 93309-1028 (805) 322-8650	George Gilliam Lon Barnes Scott Gilliam	3,703	California's Central Valley	58	Kenwood	326 4	\$12
14	Sierra Communications 3167 Fitzgerald Rd. Rancho Cordova, Calif. 95742 (916) 631-0160	Robert Franck N/A Mark Liel	3,560	northern California	251	Motorola	90 10	\$14
15	Wireless Plus Inc. 26102 Eden Landing Rd., Ste. 3 Hayward, Calif. 94545 (510) 782-5000	Warren Linney Mark Meyer Bob Chaudhuri	3,150	Los Angeles San Francisco San Diego	168	SEA	0 0	\$25
16	Porta-Phone 1306 Thomasville Rd. Tallahassee, Fla. 32303 (904) 385-6400	Robert Chohat Jr. N/A Jim Beary	3,060	northern Florida, Auburn, Ala., Thomasville, Valdosta, Ga.	61	Motorola	706 6	\$12
17	SMR Direct 1600 Wynkoop St. Denver, Co 80202 (303) 571-5050	Jeff Rhodes N/A Mark Fedranko	3,000	Charlotte, N.C., St. Louis, Kansas City, Indianapolis	430	E.F. Johnson, Maxon	N/A N/A	\$19.95
18	Skitronics Inc. 4716 Fayetteville Rd. Raleigh, N.C. 27603 (919) 662-3220	John W. Komorowski Nick Long Thomas J. Gahagan	2,617	Raleigh, Durham, Chapel Hill, N.C.	36	Kenwood, Motorola	0 0	\$15
19	Advanced Electronics 18220 S. Broadway Gardena, Calif. 90248 (310) 532-3211	Robert Courcy Joe Linder Gene Friese	2,525	Los Angeles Orange County, Calif.	12	Motorola	0 0	\$25
20	RSC Communications Inc. 3855 S. Northern Independence, Mo. 64052 (816) 313-8255	Randall S. Coker Joe Moncado Paul Morrison	2,350	Kansas City	48	Motorola, Uniden, E.F. Johnson	300 3	\$15